

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

May 15, 2025

Lyle W. Cayce
Clerk

No. 24-40447

THE GENERAL LAND OFFICE OF THE STATE OF TEXAS; DAWN
BUCKINGHAM, *Commissioner, Medical Doctor,*

Plaintiffs—Appellees,

versus

DONALD J. TRUMP, *in his official capacity as President of the United States of America*; UNITED STATES DEPARTMENT OF HOMELAND SECURITY; KRISTI NOEM SECRETARY, *U.S. Department of Homeland Security*; UNITED STATES OF AMERICA; TROY A. MILLER, *in his official capacity as Acting Commissioner of the United States Customs and Border Protection*; UNITED STATES CUSTOMS AND BORDER PROTECTION,

Defendants—Appellees,

versus

RANDY KINDER EXCAVATING, INCORPORATED, *doing business as RKE CONTRACTORS*; POSILICO CIVIL, INCORPORATED, COASTAL ENVIRONMENTAL GROUP, INCORPORATED; TEXAS STERLING CONSTRUCTION COMPANY; SIERRA CLUB; SOUTHERN BORDER COMMUNITIES COALITION,

Movants—Appellants,

STATE OF MISSOURI; STATE OF TEXAS,

No. 24-40447

Plaintiffs—Appellees,

versus

DONALD J. TRUMP, *in his official capacity as President of the United States of America*; UNITED STATES DEPARTMENT OF HOMELAND SECURITY; KRISTI NOEM SECRETARY, *U.S. Department of Homeland Security*; UNITED STATES OF AMERICA; TROY A. MILLER, *in his official capacity as Acting Commissioner of the United States Customs and Border Protection*; UNITED STATES CUSTOMS AND BORDER PROTECTION,

Plaintiffs- Appellees,

versus

RANDY KINDER EXCAVATING, INCORPORATED, *doing business as* RKE CONTRACTORS; POSILICO CIVIL, INCORPORATED, COASTAL ENVIRONMENTAL GROUP, INCORPORATED; TEXAS STERLING CONSTRUCTION COMPANY; SIERRA CLUB; SOUTHERN BORDER COMMUNITIES COALITION,

Movants- Appellants.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:21-CV-272
USDC No. 7:21-CV-420

Before KING, HO, and RAMIREZ, *Circuit Judges.*

J U D G M E N T

No. 24-40447

This cause was considered on the record on appeal and was argued by counsel.

IT IS ORDERED and ADJUDGED that the judgment of the District Court is REVERSED, and the cause is REMANDED to the District Court for further proceedings in accordance with the opinion of this Court.

IT IS FURTHER ORDERED that each party to bear its own costs pay to the costs on appeal to be taxed by the Clerk of this Court.

The judgment or mandate of this court shall issue 7 days after the time to file a petition for rehearing expires, or 7 days after entry of an order denying a timely petition for panel rehearing, petition for rehearing en banc, or motion for stay of mandate, whichever is later. See Fed. R. App. P. 41(b). The court may shorten or extend the time by order. See 5th Cir. R. 41 I.O.P.



Certified as a true copy and issued
as the mandate on Jul 07, 2025

Attest:

Styl W. Cayce

Clerk, U.S. Court of Appeals, Fifth Circuit